



The Florida Senate

Interim Project Report 2000-15

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Committee on Children and Families

Senator Mario Diaz-Balart, Chairman

DOMESTIC VIOLENCE INITIATIVES IN FLORIDA

SUMMARY

The issues surrounding domestic violence are very complex from a legal and social perspective. Such issues are not limited to the victim but also directly impact her children. From the moment an emergency call is made for battering, a domestic violence victim is faced with a number of complex and practical issues. For example, victims often have a need to quickly secure emergency shelter and may eventually become involved with the Department of Children and Family Services Child Protection Unit. Often an advocate will work with a victim to help establish a safety plan, reclaim property, or obtain public benefits. A range of interwoven legal problems, which may be civil and/or criminal in nature, may also result. For example, there may soon be cases pending in both county and circuit court for issues as varied as criminal law, injunctive relief, dependency proceedings, or family law-related matters. Lack of adequate support in pursuing these endeavors - from friends, family members, or professionals - may cause a victim to return to an abusive relationship. Since the risk of further violence often increases after victims leave their abusers, it is critical that victims receive the appropriate support and assistance at an early stage so that they may enhance their chances of successfully obtaining protection and achieving independence.

There are a number of areas in current Florida law that address issues relevant to civil and criminal domestic violence matters. There are many programs designed to assist victims of domestic violence, as well, including initiatives related to welfare reform.

This report begins with a general background discussion, as well as providing an outline on programs and initiatives in the area of domestic violence prevention and protection. Findings include those associated with improving the role of the civil courts, domestic violence centers, and community support. Recommendations for future legislative, agency, and judicial initiatives complete this report.

BACKGROUND

Domestic violence is a very serious problem in our country and may take many forms. In practical terms, battering may include emotional, economic, or sexual abuse and using children, threats, intimidation, isolation, and a variety of other behaviors to maintain the level of fear, power, and control. The perpetrator of domestic violence is most commonly male. While women are the most common victim of violence, elder and child abuse are not uncommon scenarios in domestic violence situations.

Domestic violence is not limited to any certain "type" of victim. Rural and urban victims of all religious, ethnic, socio-economic, and educational backgrounds can be affected by domestic violence. Some estimates indicate that over 50 percent of all women will experience physical violence in an intimate relationship; for 24-30 percent of that number, battering is an on-going issue. The implications of such widespread violence are far reaching into all social and legal realms. For example, the following national numbers have been reported:

- ▶ More than 50 percent of child abductions result from domestic violence. Geoffery Grief & Rebecca Hagar, "Abduction of Children By Their Parents: A Survey of the Problem," Social Work, 1991.
- ▶ Approximately 1 out of every 25 elderly persons is victimized annually. Candace Heisler, Journal of Elder Abuse and Neglect, 1991.
- ▶ 22 to 35 percent of women make an emergency room visit for injuries related to on-going abuse. Journal of the American Medical Association, 1990.
- ▶ Up to 50 percent of all homeless women and children in this country are fleeing domestic violence. Elizabeth Schneider, Legal Reform Efforts for Battered Women, 1990.

- ▶ 12 percent of couples dating in high school have experienced abuse in a relationship. Nona O' Keefe, Karen Brockoff, Esther Chew, "Teen Dating Violence," Social Work, November - December 1986.
- ▶ Disabled girls and women are about twice as likely to experience sexual abuse as their non-disabled counterparts. New Mobility Magazine, 1995.

Issues related to dynamics of these relationships, such as the commonly raised question of *why* people remain in such relationships, are difficult to understand and are often raised. With lack of understanding, it is easy to blame the victim. The answers to the questions are no clearer. The National Coalition Against Domestic Violence, for example, reports that victims often do not leave a relationship because they fear that the battering will become more violent (and maybe even fatal) if they attempt to leave; friends and family may not support the departure; financial resources may be limited; and the victim may not be aware of or have access to safety and support services. Two common barriers to escaping domestic violence are reportedly the victim's own lack of resources and institutional responses. *Id.*

Domestic Violence Centers

Services to victims of domestic violence in Florida are provided by locally-based, certified domestic violence centers. There are currently 38 centers which the Department of Children and Family Service certifies, evaluates, and finances in part. Pursuant to ch. 39, F.S., the department is responsible to:

- promulgate rules to establish certification standards relevant to the health and safety of the victim and her family;
- receive and approve (or reject) applications for certification and funding;
- evaluate each certified domestic violence shelter annually to ensure compliance with the minimum standards; and
- operate, through contract, a statewide toll-free hotline that automatically directs the caller to the certified domestic violence shelter in her area.

All centers certified by the department are mandated to provide minimum services which include emergency shelter for more than a 24 hour period; counseling; a 24-hour hotline; assessment and referral of resident children; information and referral; case management; community education; and professional training. s. 39.905(1)(c), F.S.

In its most recent report (fiscal year 1997-98), the department reported that certified domestic violence centers served 14,143 unduplicated clients and that 42,784 clients were served face to face (not by telephone) on an outreach basis.

Funding

For fiscal year 1998-99, the Legislature appropriated nearly \$12.1 million state and federal trust fund dollars and general revenue to provide services to victims of domestic violence. For fiscal year 1999-2000, the total appropriation rose to \$16.9 million. Trust fund dollars originate from fees associated with various legal matters, such as the fee added for the issuance of a marriage license (\$30) or the filing of a petition for dissolution of marriage (\$18). *See* ss. 741.01(2) and 28.101(1), F.S., respectfully. Some revenue is also derived from fines associated with a defendant's violation of an injunction. *See generally*, s. 741.31, F.S.

Once received, the department allocates virtually all money to the department's 15 districts to support the operation of the certified domestic violence centers; only a small portion of one federal grant is maintained for administrative purposes. The amount allocated to each district is based on a formula which takes into account the proportion of females aged 18 or older in the population (50 percent), the proportion of marriage license sales (40 percent), and a land area index (10 percent). To be eligible to receive state funding, the certified domestic violence centers are required to raise at least 25 percent of their funding from local sources, public or private. A 20 percent shelter match is required for federal funding.

Pursuant to s. 39.903(6), F.S., the department contracts with a statewide association, the Florida Coalition Against Domestic Violence, to represent and provide technical assistance to domestic violence centers. The Coalition receives 2 percent of the Domestic Violence Trust Fund for this purpose. *Id.* The Coalition is also the contract entity for the statewide hotline.

Performance Based Budgeting

The department's performance measures for the relevant target group, victims of domestic violence, were adopted by the Legislature during the 1998 session and were slightly amended in 1999. The ultimate outcome of these measures is to provide safe shelter to adult and child victims of domestic violence. To support this outcome, the following outcome measures are currently identified:

- ratio of incidents reported resulting in injury or harm to clients as a result of inadequate security procedures per 1,000 shelter days;
- percentage of clients leaving domestic violence centers with a plan for family safety and security; and
- percentage of clients satisfied.

Safety Planning

Critical to the security of each adult and child victim of domestic violence is the establishment of a safety plan. Steps in safety planning will vary based upon the individual situation but basic elements of any safety plan include a description of the batterer; an assessment of lethality and current risk for the victim and/or her children; a documented escape plan; and planning for any contact that may occur between the victim and the batterer. The victim must assist in preparing the safety plan.

One possible component of any safety plan is the actual relocation of the victim followed by her participation in Florida's address confidentiality program which was established by the 1998 Legislature. s. 741.403, F.S. (1998 Supp.). Under this rather unique program, once a person has relocated, any adult person, parent, or guardian may apply to the Attorney General to have an address designated by the Attorney General to serve as the applicant's address. Part of the application process requires that the applicant swear and certify that she is a victim of domestic violence and that she fears for her safety or that of her children. The Attorney General is then designated as agent for purposes of service of process and for receipt of mail. The applicant is also required to state that disclosure of her new physical address will increase victim risk.

The Attorney General's office reports that the program has been active since February 1999 and currently has 40 participants from all over the state, 14 of whom are children. The Attorney General's office reports excellent cooperation in developing the program from virtually all state agencies and has observed participation by many private companies (which are not required to accept the substitute address).

Civil and Criminal Court Issues

There is no criminal offense designated as "domestic violence." Instead, "domestic violence" is a term which encompasses a variety of criminal acts committed against a family or household member. s. 741.28(1), F.S. Such acts may include assault and aggravated assault; battery and aggravated battery; sexual assault and sexual battery; stalking and

aggravated stalking; kidnaping and false imprisonment; and any criminal offense resulting in physical injury or death. *Id.* Prior or present co-residency between the offender and the family or household member is required. *Id.* The definition for "family or household member" includes a spouse; a former spouse; a person related by blood or marriage; a person who is presently residing with another as if a family or who has resided together in the past with another as a family; and a person who has a child in common with the offender. *See* s. 741.28(2), F.S. A previous marriage or co-residency is not required. *Id.*

Injunctive Relief

There is a cause of action for injunctive relief against domestic violence for victims of domestic violence or for any person with reasonable cause to believe that he or she is in imminent danger of becoming a victim. *See* s. 741.30(1)(a), F.S. If there is an "immediate and present danger" of domestic violence, the court may grant an ex parte temporary injunction without prior notice to the alleged perpetrator, pending a full hearing on the sworn petition. s. 741.30(5)(a), F.S. The temporary injunction provides relief, including restraining the alleged perpetrator (or respondent), awarding the victim exclusive temporary use and possession of the shared home, and granting the victim temporary custody of the child(ren). *Id.* If the temporary injunction is granted ex parte, it remains in effect for up to 15 days and a full hearing must be set for a date no later than that on which the temporary injunction will expire. *Id.* The court may grant a continuance of the full hearing for good cause shown, including the need to obtain service of process. *See* s. 741.30(5)(c), F.S. The injunction may similarly be extended as necessary during the continuance period though this extension is not automatic *Id.* Once granted, domestic violence injunction violations may be sanctioned by either indirect criminal contempt (*see* s. 741.2901, F.S.), through a criminal prosecution for the willful violation of a first degree misdemeanor (*see* s. 741.31(4), F.S.), or civil or criminal contempt (*see* s. 741.30(8), F.S.).

There is also a cause of action in statute for injunctive relief against repeat violence. No prior or present co-residency relationship is required for a victim of repeat violence to obtain such an injunction. *See generally* s. 784.046, F.S.

Domestic and Repeat Violence Injunction Statewide Verification System

Domestic violence and repeat violence injunctions issued by Florida courts are tracked in the Domestic

and Repeat Violence Injunction Statewide Verification System, which is established at the Florida Department of Law Enforcement (FDLE). *See* s. 741.30(7)(b), F.S. This statewide communication system facilitates electronic transmission of information to and between criminal justice agencies and, according to FDLE, is cooperatively facilitated by each county sheriff and clerk of the court.

Batterer's Intervention Program

The legislature established, at the Department of Corrections, a certified batterer's intervention program (s. 741.32, F.S.) which perpetuates intervention and education techniques to focus on perpetrator responsibility and accountability. Certification for programs began on July 1, 1996. The Department of Corrections reports that there are currently about 113 certified programs in Florida. Civil injunction language may order the perpetrator to attend a batterer's intervention program. *See* s. 741.30(6)(d), F.S. Unless the court makes written findings stating that such a program is inappropriate, the court shall order such attendance when specified conditions exist including any prior injunction against the perpetrator. *Id.* Under certain circumstances in criminal matters related to domestic violence, the court must impose either attendance in a batterer's intervention program, as a condition of probation, or attendance in a pre-trial diversion program. s. 740.281, F.S.

Child Custody and Visitation Issues

Courts will order shared parental responsibility for a minor child unless shared parental responsibility is found to be detrimental to the child. *See* s. 61.13(2)(b)2., F.S. Under s. 61.13(2)(b), F.S., regarding child visitation, there is a rebuttable presumption of harm to the child if a parent has been convicted of a felony of third degree or higher involving domestic violence or if the parent meets the criteria outlined in s. 39.806(1)(d), F.S., relating to grounds for termination of parental rights (including that the parent will be incarcerated for a considerable period of the child's life; the incarcerated parent is a career criminal or has committed specified offenses; or the court determines that there is clear and convincing evidence that visitation with the incarcerated parent would be harmful to the child). If the presumption of detriment to the child is not rebutted, shared parental responsibility, including visitation, may not be granted to the convicted parent. *Id.* Whether or not there is a conviction involving domestic violence or child abuse or whether there exists an injunction for protection against domestic violence, the court considers evidence

of domestic violence or child abuse as evidence of detriment to the child. *Id.*

Crime Victim Compensation Awards

In the 1999 session, the Legislature enacted a bill which provides relocation assistance to victims of domestic violence in the form of a one-time payment of up to \$1500 per claim (with a \$3000 lifetime maximum). *See* ch. 99-373, L.O.F. Qualification criteria are specified to include victim cooperation with law enforcement and documentation of a safety plan. *Id.*

Work and Gain Economic Self-Sufficiency (WAGES)

Florida's Work and Gain Economic Self-Sufficiency (WAGES) program is designed with one State Board and 24 local coalitions. *See* s. 414.028, F.S. The job of the local coalition is to plan for and implement state policy in local communities. *Id.* Relevant to this paper, local WAGES plans must include provisions for providing services and developing a service plan for victims of domestic violence. s. 414.028(4), F.S. The WAGES Program State Board of Directors specifies requirements for the local plan, including the programs and services to be offered to victims of domestic violence, as well as an annual report on domestic violence. *Id.*

Each local WAGES plan must specify provisions for coordinating and, where appropriate, delivering services to victims of domestic violence. *Id.* This will include specifics on coordination with law enforcement agencies and social service agencies and organizations; provisions for allowing participants access to domestic violence support services; participant awareness of domestic violence centers, hotlines, and other domestic violence services and policies; designation of the agency responsible for determining exceptions from program requirements due to domestic violence; provisions that require each individual who is granted an exemption from program requirements to participate in a program that prepares the individual for self-sufficiency and safety; and, where possible and necessary, provisions for job assignments and transportation arrangements that take maximum advantage of opportunities to preserve the safety of the victim and her dependents. *Id.*

Florida's WAGES program has significant work requirements and time limitations on cash assistance. *See generally* s. 414.065 and s. 414.105, F.S. However, an individual who would be unable to escape domestic violence if forced to comply with the work requirement is exempt from this requirement. s. 414.065(7)(b), F.S.

Such individuals must comply with a plan designed to prepare the individual for self-sufficiency while providing for the safety of the individual and the individual's dependents. *Id.* Furthermore, if an individual is determined to be unable to comply with the work requirements due to a mental or physical impairment related to past domestic violence, that individual may be exempt from work requirements but also must comply with a plan, to include counseling, so that she and her dependents may be prepared to achieve self-sufficiency and safety. s. 414.065(7)(c), F.S.

In most cases, the law allows an applicant or participant to receive temporary cash assistance for 24 cumulative months in any consecutive 60-month period and for not more than a lifetime cumulative total of 48 months as an adult. s. 414.105, F.S. A victim of domestic violence may be granted a hardship exemption to time limits (but not to the lifetime total) if the effects of such violence negatively impede the individual's participation in the program. s. 414.105(3), F.S.

Finally, the WAGES program offers a relocation assistance program to certain persons including victims of domestic violence. s. 414.155, F.S. The relocation assistance program involves five steps by the Department of Children and Family Services or the Department of Labor and Employment Security which include:

- a determination of WAGES eligibility;
- a determination that there is a basis for believing that relocation will contribute to the ability of the applicant to achieve self-sufficiency including that the victim would experience reduced probability of further incidents through relocation;
- establishment of a relocation and safety plan;
- a determination that the Florida community receiving the relocated family has the capacity to provide needed services and employment opportunities; and
- monitoring the relocation.

Changes in the law, during the 1999 session, provided that the local WAGES coalitions, not the Department of Labor and Employment Security, will participate in the five step determination. 99-241, L.O.F. The actual payment to defray relocation expenses is now determined by the State WAGES Board. *Id.*

Established during the 1999 session, and created at s. 414.157, F.S., is a diversion program for victims of domestic violence. *Id.* This program is intended to

provide services to assist victims of domestic violence and their children in making the transition to independence by receipt of a one-time payment. *Id.* Once a family is determined to be in need of services, or is eligible for a one-time payment, that family may receive services through a certified domestic violence shelter. *Id.*

METHODOLOGY

In completing this project, staff met with local shelter directors in Tallahassee, St. Petersburg, and Tampa and worked in cooperation and consultation with the Family Law Division at the Office of State Courts Administrator, as well as the Florida Coalition Against Domestic Violence, the Florida Task Force on Domestic Violence Fatality Prevention (formerly the Governor's Task Force on Domestic Violence), the Attorney General's office (particularly regarding Florida's Address Confidentiality program), the Department of Children and Family Services, Florida Department of Law Enforcement, and WAGES staff.

FINDINGS

Domestic Violence Center Services

Practically speaking, and in general, services to victims include those services required by statute. However, centers offer other, more targeted services, as well.

Although all cases are individual in their issues, some cases present very unique problems. For example, some centers offer specific programs to address issues such as those encountered by same-sex couples (whose rate of violence is about the same as heterosexual couples), juvenile offenders (such as children abusing their parents or grandparents), and dating and teen violence. Some centers participate in hotel projects whereby, by local agreement, unused hotel rooms are utilized by victims for a period of one or several nights. Another relatively common service for centers to facilitate is supervised visitation (when court-ordered visitation for parent and child is required). A somewhat less common service is transitional housing (providing housing to previous victims for a period of time longer than that which they would stay in a shelter). Migrant workers or rural dwellers, who may have no transportation or phone, are served by a large number of Florida shelters. Minors with children of their own also present unique issues for centers due to their own minor status. Elder victims of abuse may present unique problems due to their health or level of frailty.

Confidentiality

Center operators and other advocates have raised staff awareness of a quandary with regard to confidentiality issues. Section 90.5036, F.S. (1998 Supp.) provides that communication between advocates (employees or volunteers at certified domestic violence shelters) and victims is confidential. However, under chapter 39, shelters will experience an 18 month transitional period prior to becoming certified. *See* s. 39.905(1)(h), F.S. (1998 Supp.). This means that, during the center's 18 month transitional period, the victim cannot expect the statutorily conferred confidentiality. Interested parties suggest that the law provide for an interim certification status during this 18 month transitional period so that victims can expect confidentiality as a center seeks to achieve certification.

Safety Planning

Initially, implementation of Florida's Address Confidentiality Program (ACP) has been quite promising. Participant numbers grow each and every week; training has been successful; and affected state agencies, such as law enforcement, the Department of Revenue (child support enforcement), and the Department of Children and Family Services, provided cooperation and assistance in developing policy for implementation of the program. (An exception to the cooperative effort of policy development for ACP is the Department of Health.) Address, telephone number and social security numbers of program participants are covered under a broad public records exemption. s. 741.465, F.S. (1998 Supp.). However, at this time, staff is on notice that the local school districts report they have encountered public records problems with regard to the actual physical location of the parent with regard to the illness or injury of a student and in assigning bus routes (since the parent of the child is using the ACP address).

Civil Court Issues

Domestic violence advocates report that navigating the civil and criminal justice systems can be confusing and exhausting for victims, as issues may be heard by several judges. In some areas, various levels of court cooperation (as in one court hearing more than one issue in a domestic violence case) are being piloted. For example, a national demonstration project is currently established in Dade County to examine the issue of domestic violence within the context of child protection.

This project, the Dependency Court Intervention Program for Family Violence (DCIPFV), is one that is guided by two principals: that there is a need for

collaboration between advocates for battered women and the child protection system and that advocacy and intervention services are critical to assist women and children. Project goals, which include documentation of program outcomes and processes, have encountered challenges involving a coordinated community response to family violence, challenges in implementing services for battered women, and issues relevant to the accountability of batterers.

Injunctive Relief

The exact number of domestic violence victims, as well as their age (elderly, child, adult), is difficult to determine. If injunctions for domestic and repeat violence are any indicator, however, domestic violence is far more prevalent than one would imagine. For example, on any given day, it is likely that FDLE will report that there exist over 4000 temporary restraining orders and 55,000 to 56,000 permanent injunctions in the Statewide Verification System.

Advocates report that the 1997 change, to require that the victim be in "imminent" danger in order to obtain an injunction, is applied differently throughout the circuits and is, by the lack of a definition, subject to varying interpretations and applications. On the other hand, due to the extreme ramifications associated with the injunction which will occur for the respondent (e.g. preventing employment in some cases; federal and state preclusion on the ownership of firearms), many in the court system feel that due process concerns require that the threat to the victim be impending.

Many other states, however, do not require the petitioner to meet such a high standard. For example, North Carolina requires the petitioner to show "danger of serious or immediate injury to himself or herself or a minor child" before emergency relief will be granted. N.C. Gen. Stat. s. 50B-2. No other victim state of mind is mentioned for the granting of permanent relief. *See* generally NC Gen. Stat. ch. 50B. For a permanent injunction in Texas, the court must find that "family violence has occurred or is likely to occur in the future." Tex. Code s. 81.001.

Generally, in Florida, the Respondent will receive a copy of the temporary restraining order (TRO), along with the notice of the hearing wherein the TRO will be converted to a permanent injunction if the Petitioner meets the appropriate standard. However, a very serious issue results when the Respondent does not receive the TRO and notice. At that time, the Petitioner may feel protected but the Respondent has no notice of the TRO or of future proceedings. If service is not

achieved, the TRO must be extended time and time again until service is perfected. A suggested remedy for this is to lengthen the period of time for which a TRO is effective (though this may raise due process issues). For example, under Rule 1.610, Florida Rules of Civil Procedure, a TRO may be for an indefinite time period.

Application of the Law

“Domestic violence” is defined to encompass a variety of criminal acts committed against a family or household member “who is or was residing in the same single dwelling unit”. s. 741.28(1), F.S. The definition for “family or household member” may include a spouse; a former spouse; a person related by blood or marriage; a person who is presently residing with another as if a family or who has resided together in the past with another as a family; and a person who has a child in common with the offender. *See* s. 741.28(2), F.S. A previous marriage or co-residency is not required. *Id.* Courts have noted that the terms “domestic violence” and “family or household member,” as defined in s. 741.28, F.S., are inconsistent. *See e.g. Sharpe v. Sharpe*, 695 So.2d 1302 (Fla. 5th DCA 1997) (holding that domestic violence could not occur between a pair in absence of co-residency). Because the former requires co-residency and the latter does not, the inconsistency is problematic from a practical perspective. This appears to be an oversight in the law and is easily remedied by deleting the co-residency requirement from the definition for “domestic violence.” *See Id.*

Statewide, domestic violence advocates and attorneys report that some courts incorporate injunctions for protection against domestic violence into dissolution of marriage proceeding orders. Section 61.052(6), F.S., clearly requires that, “Any injunction for protection against domestic violence arising out of the dissolution of marriage proceeding shall be issued as a separate order in compliance with chapter 741 and shall not be included in the judgment of dissolution of marriage.” By entering injunctions under chapter 61, F.S., these judges are in clear violation of the requirements of the law. This practice also causes complications for reporting and for the enforcement of the injunction.

Batterer’s Intervention Program

While many perpetrators are ordered to attend a Batterer’s Intervention Program, non-compliance or lack of participation in the civil context is often a problem. Unless the order results from a criminal action, where the lack of participation is seen as a violation of probation, there is reportedly inconsistent penalty application throughout the circuits for

equivalent civil violations and/or non-participation. The result is that, in some areas, the strength of the civil order is worth no more than the paper on which it is written.

Supervised Visitation

Often, in cases where the parents of a child are divorced or separated, the court will order supervised visitation or a monitored exchange between parent(s) and child. In an effort to ensure that this is a positive experience for the child, domestic violence center personnel or other personnel will facilitate this visitation or exchange so that contact between the parents is avoided and so that any adverse party activity is reported to the court. This is a statutorily allowed process and should be utilized where appropriate.

Work and Gain Economic Self-Sufficiency (WAGES)

The Florida Coalition Against Domestic Violence reports that, since July 1998, over 1000 WAGES case managers and supervisors have received training specifically focusing on domestic violence as a barrier to employment. Until recently, the WAGES state office was heavily involved in relocation training but this function is now delegated to the local coalitions. Training in all areas is reportedly effective.

In recent years, the Florida legislature has been very kind to WAGES participants who are also victims of domestic violence and, in 1998, enacted the federally allowed Family Violence Option, which allows the state to provide special WAGES program benefits to recipients suffering from domestic violence. However, these victims are not exempt from the WAGES lifetime benefit time limitation. This may or may not prove problematic to the recipient, depending upon her specific circumstances (such as when a recipient received months or years of benefits in her relative youth), but is a situation which is unlikely to change.

Though comment was solicited, via letter, from the State and Local WAGES coalitions, very little feedback was received. We do note that recent changes to the WAGES law offers enormous opportunity for a domestic violence victim to receive the necessary assistance while achieving self-sufficiency.

Child Protective Services and Domestic Violence

It is estimated that about 82 percent of children in violent households are themselves abused or witness the parent being battered. There is no question that these family dynamics are, as all other issues in this area, multi-faceted. Though many battered women come in contact with the Department of Children and

Family Services (DCF), staff was able to find no one willing to talk about her experience with DCF. However, in researching this report, staff has learned that a significant obstacle encountered in the context of family violence is batterer accountability, particularly when the abuser is not a legal family member.

RECOMMENDATIONS

The Department of Children and Family Services should be encouraged to further explore the notion of provisional certification of centers (during the 18 month period) for purposes of confidentiality.

Training for judges on issues associated with domestic violence, particularly regarding supervised visitation issues (i.e. understanding the role of supervised visitation centers) and the uniform application of standards for granting a permanent injunction, should be encouraged by the State Court system.

The Legislature should consider amending the law to define the term “imminent” (regarding issuance of an injunction), use a checklist to clarify the term, or change the term to something less subjective.

Judicial and legislative parties should work together to submit recommendations to remedy the issues which arise when, for whatever reason, the respondent does not receive notice of a hearing to convert the TRO to a permanent injunction.

Consistent with confusion noted in the case law, the co-residency requirement should be deleted from the definition of the term “domestic violence,” as defined in statute.

The issue of a respondent’s lack of participation in civilly-ordered batterer’s intervention programs should receive follow-through by the courts. This may be accomplished by outlining procedures to be followed and mandating court-created, uniform forms for this purpose.

The Legislature could consider tightening up language in the section of law relevant to the release of student records to cross-reference the public records exception for participants of the address confidentiality program.

It is recommended that the correlation between child abuse and domestic violence, as well as measures the state is taking to reconcile this issue, be explored further in another report.

COMMITTEE(S) INVOLVED IN REPORT *(Contact first committee for more information.)*

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MEMBER OVERSIGHT

Senators Mario Diaz-Balart and Daryl L. Jones